

Remarks/Arguments:

Claims 1-11, 23-34, and 37-38 remain for consideration in this case. Claims 1 and 23 are the sole independent claims.

In reviewing the original disclosure, a minor error was found in the Chem Draw representation of the right hand structural formula on page 3. That structural formula has been corrected by the amendment to page 3 of the description. The structural formulas depicted in independent claims 1 and 23 have also been amended accordingly. The amendment is supported by the reactant definitions for the first reactant provided on page 11 of the specification as originally filed.

The present invention is directed to fertilizer products made up of fertilizers of defined types which are in contact with substantially water-soluble polymers. The fertilizer products may be in particulate form, liquids, or as solid-liquid mixtures. The polymers include recurring polymeric subunits made up of defined moieties.

In the last Office Action, the use of the phrase "intimate contact" was objected to on the basis that the specification did not support the limitation, and that it was impermissibly vague. These rejections are traversed. In the first place, the original specification recites that the claimed polymers are "in intimate contact" with the fertilizers, see, paragraph 0023 from the published application (US 2004/0226331). Therefore, withdrawal of the rejection under Section 112, first paragraph, is appropriate. As to the Section 112, second paragraph rejection, the presently amended claims now merely recite that the fertilizer and polymer are "in contact," thereby obviating any question as to the meaning and scope of "intimate." Thus, it is submitted that the claims are now fully definite in all

respects.

The only art rejections lodged in the last action were based upon the Jensen, et al. patent. This reference is inapposite. Jensen describes a method of coating an active core using a phase separation technique. Jensen first coats the core material (which may be a fertilizer) with a lipid layer. Thereupon, a polymer may be applied to the initial lipid layer. According to Jensen, the use of an inner lipid layer is essential to his phase separation technique. Stated otherwise, Jensen cannot create a coating using a polymer without first pre-coating the active core with a lipid layer. Thus, in no way does Jensen teach or suggest a situation where a polymer of the type defined in the present claims is applied to fertilizer so that the fertilizer and polymer are in contact with each other. In fact, Jensen specifically teaches away from direct fertilizer-polymer contact.

This distinctive feature is clearly set forth in the amended claims. Both claims 1 and 23 specifically recite that the water-soluble polymer is applied to the fertilizer so that the fertilizer is in contact with the polymer. There is no question that this language is fully supported in the specification; Example 18 describes a situation where the polymer is "applied" to fertilizer, and the recitation in the specification of "in intimate contact" of course embraces the claimed term "contact." Thus, the teachings of the Jensen reference are fully distinguished in the instant claims.

Moreover, as previously explained, the presently claimed polymers are substantially water-soluble. Jensen, on the other hand, makes use of coatings which are hydrophilic but not dissolved by water (col. 2, ll. 13-19). Again, Jensen teaches away from the presently claimed products.

New claims 37 and 38 have been added. These claims recite that the fertilizer is contacted with a material "consisting essentially of" the claimed polymers. This is a still further clear

distinction over Jensen, which teaches a multi-layer coating over active core materials, including an inner lipid layer and an outer layer disposed over the lipid layer. Thus, Jensen does not teach contacting fertilizer with a material "consisting essentially of" polymer.

The secondary reference to Bonsignore, et al. was cited only for co-grinding of fertilizer and polymer. However, this reference is not at all concerned with polymers of the type herein claimed. Therefore, the secondary reference does not cure the deficiencies of Jensen, pointed out above.

Applicants and their attorneys would like to thank the Examiner for her time and courtesies during the recent personal interview held in connection with this case. At that interview, the art of record was discussed, along with the fact that the present application specifically disclosed the "intimate contact" recitation. Additionally, it was pointed out to the Examiner that the Jensen reference was not appropriate, because Jensen teaches non-water-soluble coatings and the use of an intermediate lipid layer such that the polymer does not contact the inner active core.

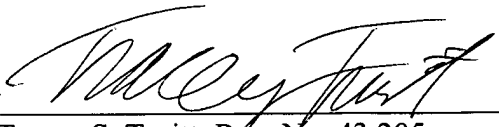
Finally, in reviewing the original disclosure, a minor error was found in the Chem Draw representation of the right hand structural formula on page 3. That structural formula has been corrected by the amendment to page 3 of the description. The amendment is supported in the application as filed through the reactant definitions provided on page 11 of the original application. This amendment is also incorporated into the presently amended claims.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

Date: _____

By 
Tracey S. Truitt, Reg. No. 43,205
HOVEY WILLIAMS LLP
2405 Grand Boulevard, Suite 400
Kansas City, Missouri 64108
816/474-9050

ATTORNEYS FOR APPLICANT(S)